



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Ms. Beth Sykes, Senior Planner, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department

Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Section, Planning Department
Mr. Jeffrey L. Mincks, Deputy County Attorney,
County Attorney's Office
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. William D. Dupler, Building Official,
Building Inspections Department
Mr. Richard C. Witt, Assistant Building Official,
Building Inspections Department
Assistant Fire Marshal John P. Jones,
Fire Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A.** Requests to **Postpone Action, Emergency Additions or Changes** in the **Order of Presentation**.
- B.** Review **Upcoming Agendas**.
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C.** Review **Day's Agenda**.
(NOTE: At this time, any items listed for the 3:00 P. m. and 7:00 p. m. Sessions will be discussed.)
- D.** **Plans and Information Section Update**.
- E.** **Work Program – Review and Update**.

- F. **Deferred Item - Code Amendment Relative to Sale of Alcoholic Beverages within Proximity of School Sites.**
- G. **Status Report - Upper Swift Creek Reservoir Master Plan and Maintenance Program.**
- H. **Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of January, February and March 2007.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Mr. Witt presented an overview of, and staff's recommendation for, a request to declare 21509 Pannil Street as blighted property.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

Mr. Schlaudt addressed the proposed Code Amendments scheduled for public hearing at the 7:00 p. m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

Ms. Fassett updated the Commission as to the status of pending projects relative to the *Midlothian Corridor Area Plan*, *Powhite/Route 288 Area Plan*, *Northern Courthouse Road Community Plan* and *Robious Area Plan*.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the January 2007 Work Program, as presented.

F. DEFERRED ITEM - CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Mr. Schlaudt presented background information and additional information requested by the Commission at a previous meeting.

There was discussion relative to schools constructed prior to 1993 being the only schools exempted from the current Ordinance; the applicability of the Ordinance to either all, or none, of the County schools; businesses licensed to sell alcoholic beverage near schools; the history and effectiveness of the current Ordinance; crime data from the Police Department concluding there was no relationship between selling alcohol and crime for the affected schools; the original intent of the Ordinance; whether or not there was any evidence that an adult consuming alcohol within 500 feet of a school had harmed a child; and other concerns.

Upon conclusion of the discussion, it was the consensus of the Commission to defer further discussion of the Code Amendment relative to the sale of alcoholic beverages within proximity of school sites to the February 20, 2007, Work Session and, in the interim, requested that the Commission Chairman contact the Board of Supervisors to ascertain if the Board wished to consider amending and/or abolishing the current Ordinance.

G. STATUS REPORT - UPPER SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Upper Swift Creek Reservoir Master Plan and Maintenance Program* relative to an analysis of the watershed modeling, the results and comparisons of which were currently under review by the consultant, CH2MHill.

Upon conclusion of the discussion, the Commission requested that staff provide a full report on the *Stormwater Management Plan* at the January 16, 2007, Work Session.

H. ADJOURNMENT.

There being no further business to discuss, the Commission adjourned at approximately 2:05 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the November 16, 2006 Joint Planning Commission/Historic Preservation Committee Meeting minutes; the November 16, 2006 regularly scheduled Planning Commission Meeting minutes; and the November 20, 2006 Transportation Summit Meeting minutes.

◆ **NOVEMBER 16, 2006 JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE MEETING MINUTES.**

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to approve the November 16, 2006 Joint Planning Commission/Historic Preservation Committee Meeting minutes, as written.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSTAINED: Mr. Gulley.

◆ **NOVEMBER 16, 2006 REGULARLY SCHEDULED PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to approve the November 16, 2006 regularly scheduled Planning Commission Meeting minutes, as written.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSTAINED: Mr. Gulley.

◆ **NOVEMBER 20, 2006 TRANSPORTATION SUMMIT MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to approve the November 20, 2006 Transportation Summit Meeting minutes, as written.

AYES: Messrs. Wilson, Gecker and Litton.

ABSTENTIONS: Messrs. Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL REQUESTS BY APPLICANTS.**

06PR0284:* In Bermuda Magisterial District, **C. F. CURRIN, JR.** requested deferral to January 16, 2007 for consideration of site plan approval with two (2) buffer reductions: 1) a fifty (50) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) zoned parcel adjacent to Residential Multifamily (R-MF) zoning and 2) a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning. This project is commonly known as **CURRIN GARDEN SOUTH**. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on a 10.67 acre parcel fronting/lying approximately 575 feet on the south line of Iron Bridge Road, also fronting approximately 190 feet on West Booker Boulevard and located in the southwest quadrant of the intersection of these roads. Tax IDs 779-652-Part of 6471 and 9168 and 780-652-Part of 1685 and 2380 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06PR0284, Currin Garden South (C. F. Currin) to the January 16, 2007 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06PR0284, Currin Garden South (C. F. Currin) to the January 16, 2007 Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07PS0182: In Bermuda Magisterial District, **RIVERMONT DEVELOPMENT CO.** requested deferral to January 17, 2007 for consideration of approval of the schematic plan for a mixed use development with approximately fifty-seven (57) condominiums, 370 apartments and 33,000 square feet of commercial area. This development is commonly known as **RIVERMONT APTS. & COMMERCIAL AREA**. This request lies in Light Industrial (I-1), General Business (C-5), Residential (R-7), Community Business (C-3) and Agricultural (A) Districts on 99.75 acres located at the southeast quadrant of Route 10 and I-295. Tax IDs 820-646-5355; 820-647-6132, 6373, 7760 and 7974; 820-648-8091; 821-647-0051, 6370, 6839, 8178, 9637; 821-648-2510, 9424; 822-647-0398, 0581, 2886 and 7473; 822-648-7428; 823-646-6389; and 823-647-0455 (Sheet 35).

Mr. Charles Townes; the applicant's representative, requested deferral of Case 07PS0182, Rivermont Development Co. (Rivermont Apartments and Commercial Area) to the January 16, 2007 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07PS0182, Rivermont Associates, LLC (Rivermont Apartments and Commercial Area) to the January 16, 2007 Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **DEFERRAL REQUEST BY STAFF.**

07TS0193: In Matoaca Magisterial District, **DARTMORE, LLC** requested tentative subdivision approval of ninety-six (96) single family residential lots and a waiver to Section 17-76(3)(a) to allow 161 lots on one (1) residential collector access. This development is commonly known as **FOXFIELD**. This request lies in a Residential (R-15) District on an 88.76 acre parcel lying approximately 500 feet off the north line of Woolridge Road at the terminus of Swift Fox Drive. Tax IDs Part of 710-678-6092; Part of 711-678-6422; 711-679-6522; 712-677-3295; 712-679-2887; and 7285 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, agreed with staff that Case 07TS0193, Dartmore, LLC (Foxfield PHII) should be deferred to the January 16, 2007 Planning Commission meeting to allow sufficient time for staff to completely review information and resolve issues pertaining to the development.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 07TS0193, Dartmore, LLC (Foxfield PHII) to the January 16, 2007 Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

07PR0217: In Matoaca Magisterial District, **CROWNE PARTNERS, INC.** requested landscape plan approval, as required by condition of Case 87SN0134. This development is commonly known as **LEC APARTMENTS**. This request lies in a Corporate Office (O-2) District on a 17.3 acre parcel fronting approximately 400 feet on the west line of Craig Rath Boulevard. Tax IDs 732-674-Part of 0132 and 733-674-0884 (Sheet 16).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that landscape plan approval, as required by Condition of Case 87SN0134, for Case 07PR0217, Crowne Partner, Inc. (LEC Apartments) shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07TW0133: In Dale Magisterial District, **HAFIEZ MOHAMED** requested a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a recreational vehicle (RV) to be parked outside of the required rear yard. This development is commonly known as **FALLING CREEK FARMS**. This request lies in a Residential (R-15) District on a .6 acre lot fronting approximately 160 feet on the west line of Sheringham Road. Tax ID 751-686-9922 (Sheet 10).

At Mr. Litton's request, Mr. Feest presented an overview of the case and staff's recommendation for approval subject to the condition outlined in the "Request Analysis."

Mr. Mark Nanavati, the applicant's representative, accepted staff's recommendation, noting physical constraints on the property precluded his client from parking his recreational vehicle in the required area; indicated his client had submitted information to address, and comply with, the Ordinance requirements regarding the granting of a development standards waiver; pointed out that other residents in the community parked recreational vehicles on their property; and stated approval of the waiver would not be injurious to either the community or area residents.

Mr. Litton indicated there were off-site parking facilities available in the area where the recreational vehicle could be parked and noted verbal and written objections he had received from adjacent and area residents, including objections he received from Mr. Glenn Munn and Ms. Maddox.

Mr. Wilson opened the discussion for public comment.

Ms. Andrea Epps, a County resident, stated there appeared to be physical constraints on the property that precluded Mr. Mohammed from parking his recreational vehicle in the required area and supported approval of his request for a development standards waiver.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Litton stated, based on his policy to not support requests to which there was neighborhood opposition, his motion would be for denial of the request.

Mr. Litton made a motion to deny Case 07TW0133, Hafiez Mohamed (Falling Creek Farms).

Mr. Gulley seconded the motion for discussion.

Mr. Gecker suggested perhaps the applicant would be willing to request a thirty (30) day deferral to allow him time to meet with adjacent and/or area residents to attempt to resolve their concerns.

Mr. Litton stated, based on previous conversations with Mr. Munn, he did not think Mr. Munn would change his mind and he could not support the request as long as Mr. Munn objected.

The vote on Mr. Litton's motion was as follows:

AYES: Messrs. Wilson, Gulley, Litton and Bass.

ABSTENTION: Mr. Gecker.

D. FIELD TRIP AND DINNER SELECTIONS.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

♦ **DINNER LOCATION SELECTION.**

On motion of Mr., seconded by Mr., the Commission resolved to meet for dinner at Bookbinder's Grill, 1244 Alverser Plaza, Midlothian, VA.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the Commission adjourned at approximately 3:27 p. m., with the Commission agreeing to meet at 5:00 p. m. for dinner at Bookbinder's Grill, 1244 Alverser Plaza, Midlothian, VA.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Jack Wilson, IV, led the Pledge of Allegiance to the Flag.

C. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty (20) cases scheduled on the January 16, 2007, agenda; twenty-two (22) cases on the February 20, 2007, agenda; and two (2) cases scheduled on the March 20, 2007, Planning Commission agenda.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. PUBLIC HEARING TO DECLARE 21509 PANNIL STREET AS BLIGHTED PROPERTY.

◆ ◆ ◆

Pursuant to the Code of Chesterfield County Section 5-7.4(c), a public hearing will be held by the Chesterfield County Planning Commission at 7:00 p. m. on Thursday, December 14, 2006 in the County Public Meeting Room at 9901 Lori Road, requesting that the referenced vacant, deteriorated dwellings be declared blighted and providing for its demolition.

◆ ◆ ◆

Mr. Dupler presented an overview of the request and asked the Commission to forward a recommendation to the Board of Supervisors that the property located at 21509 Pannil Street be declared blighted and that demolition was appropriate, based on concerns of the neighborhood regarding the deteriorating condition of the property, the lack of and/or slow response from the property owners to cure the blight or present a reasonable plan to do so and the apparent abandonment of the subject property

In response to a question from Mr. Gulley, Mr. Dupler stated the structure on the property was unsecured and represented a safety hazard to the community.

Mr. and Mrs. Starrie Jordan, owners of the property, addressed the issues outlined in the "Request Analysis," including his plan submitted in July 2006 to complete repair work; remove the damaged portion of the house; and obtain the appropriate permits for all other structural, electrical and plumbing repairs. He stated the plan timeframe had been too aggressive and impractical but he had now executed financial arrangements which would allow him to not only cleanup the property but repair, and replace where necessary, damaged portions of the structure.

In response to comments from Mr. Bass, Mr. Jordan apologized to adjacent/area residents, noting he had not intended to be negligent with respect to the maintenance of the property/structure and asked the Commission to consider giving him additional time to achieve the tasks at hand.

No one came forward to speak in favor of, or in opposition to, the request.

Discussion ensued and staff addressed issues/answered questions from the Commission relative to the length of time the house had been vacant; the deteriorated condition of the dwelling and overgrowth of trees and vines not only on the property but also through the dwelling itself; the abandoned condition of the property inviting trespass, vandalism, loitering and teenagers reportedly using drugs on the porch of the dwelling; numerous complaints from adjacent and/or area property owners relative to the condition of the property and structure; the lack of, and/or slow, response of the property owners to cure the blighted condition; and other concerns.

Mr. Bass stated he property was clearly blighted and had been for some time; that such a condition was not needed in the community; and that, given the property owners' history with this property, he did not believe any accelerated plan would improve the situation; and he tended to agree with staff's recommendation.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission determined, in accordance with the Blight Ordinance, that the property located at 21509 Pannil Street, Chesterfield County, Virginia, in its current condition, was blighted and recommended to the Board of Supervisors that the appropriate remedy to address the situation was demolition.

Mr. Gecker stated he did not foresee the property owners making any improvements or entering into any binding contracts to do so when the Board of Supervisors may approve the recommendation for demolition and suggested consideration be given to deferring the request for thirty (30) days to allow the owners an opportunity to provide evidence of financing backing and revised timetable for improvements to the property/dwelling.

Mr. Gulley commented that he appreciated Mr. Gecker's remarks; however, he did not view a deferral as an incentive for the owners to take action to cleanup the property and make positive improvements.

Mr. Wilson concurred with Mr. Gecker, noting he did not feel giving the applicant an extended amount of time to comply with County regulations was unreasonable.

Mr. Bass stated the applicant had owned the property for approximately twenty-five (25) to thirty (30) years and lived in the Ettrick community; had not taken any substantive action during this time to prevent the existing condition of the property/dwelling; that discussing revitalization/cleanup in Ettrick was difficult when conditions such as this existed; and that he was not inclined to make an exception for this request and would recommend approval of the request that the property be declared blighted and that demolition was appropriate.

The vote on Mr. Bass' motion was as follows:

AYES: Messrs. Gulley, Litton and Bass.
NAYS: Messrs. Wilson and Gecker.

F. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and Code Amendments.

G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Mr. Joe Cacciotti, a County resident, expressed concerns relative to the increasing number of temporary, portable storage containers being placed on properties in residential neighborhoods and asked that consideration be given to creating an Ordinance to regulate/enforce the use of such items.

Mr. William Shewmake, representing the Parks and Recreation Advisory Commission's *Green Infrastructure Plan Committee*, asked the Commission consider adding a green infrastructure element to the next component of the *Comprehensive Plan* to be revised.

Messrs. Gecker and Bass stated they felt his ~~suggested~~ **suggestion** was excellent and asked that he prepare language to be included in the *Northern Courthouse Road Community and Upper Swift Creek Plans*.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the time limit for the conveyance of family subdivision splits, indicating he felt the County's requirements were illegal and should be revised.

H. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR WITHDRAWAL.**

05SN0185:* (Amended) In Midlothian Magisterial District, **EDITH JOHNSON, TRUSTEE** withdrew the request for rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on thirty-two (32) acres fronting approximately 880 feet on the south line of Midlothian Turnpike approximately 200 feet west of Otterdale Woods Road, also fronting approximately 1,140 feet on the north line of Norfolk Southern Railroad approximately 250 feet west of Otterdale Woods Road. Tax ID 720-709-6011.

Mr. William Shewmake, the applicant's representative, confirmed withdrawal of Case 05SN0185.

Mr. Wilson left the meeting at approximately 7:50 p. m.

There was no opposition to the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 05SN0185.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

07SN0181: In Clover Hill Magisterial District, **TASCON GROUP INC.** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 21.8 acres fronting approximately 580 feet on the southwest line of Reams Road at its intersection with Winters Hill Place, also fronting the western termini of Rockdale and Gallatin Roads. Tax ID 752-698-3368.

Mr. Andy Scherzer, the applicant's representative, requested deferral to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0181 to the March 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

05SN0310:* In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. Brennan Keene, the applicant's representative, requested deferral to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0310 to the March 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT: Mr. Wilson.

06SN0313:* In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Mr. Sam Ragsdale, the applicant's representative, requested deferral to the February 20, 2007, Planning Commission public hearing.

In response to a question from Ms. Barbara Cox, an area resident, Mr. Gecker stated action before the Commission was deferral of the request; however, there would be meetings scheduled to discuss issues of concern.

Mr. Wilson returned to the meeting at approximately 8:05 p. m.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0313 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

06SN0344:* In Midlothian Magisterial District, **JMS INVESTMENTS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1.6 acres fronting approximately 150 feet on the south line of Midlothian Turnpike, also fronting approximately 610 feet on the west line of County Line Road and located in the southwest quadrant of the intersection of these roads. Tax ID 705-708-2447.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation by Mr. Gecker to defer Case 06SN0344 to the January 16, 2007, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 06SN0344 to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0177: In Matoaca Magisterial District, **OLIVER PEARLEY AND SUSAN SMITH** requested Conditional Use and amendment of zoning district map to permit a residential stock farm (keeping of horses and goats) in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 15.8 acres and is known as 11631 Plantation Trace Drive. Tax ID 724-649-7570.

Mr. Oliver Pearley, one of the applicants, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 07SN0177 with those cases requiring discussion.

Mr. Gecker left the meeting at approximately 8:08 p. m.

07SN0179: In Clover Hill Magisterial District, **JEAN C. AGEE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.0 acre fronting approximately 120 feet on the southwest line of Reams Road approximately eighty (80) feet northwest of Wadsworth Drive. Tax ID 752-699-1038.

Ms. Jean Agee, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0179 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Development shall be limited to a maximum of one (1) dwelling unit. (P)
2. Prior to recordation of the subdivision plat, forty-five (45) feet of right-of-way, as measured from the centerline of Reams Road, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct vehicular access from the property to Reams Road shall be limited to one private driveway. (T)

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT Mr. Gecker.

07SN0188: In Bermuda Magisterial District, **BENJAMIN BENTON** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate

for residential use of 2.51-4.0 units per acre. This request lies on 28.9 acres fronting approximately 190 feet on the west line of South Street at its intersection with Tipton Street, also fronting approximately ninety (90) feet on the north line of Milhorn Street at its intersection with Hill Street. Tax IDs 798-635-4396 and 4725.

Mr. Sam Ragsdale, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0188 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, the \$15,600 shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$5,331 for schools, \$602 for parks, \$348 for library facilities, \$404 for fire stations, \$8,915 for roads; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. The payment shall be allocated pro-rata as set forth above.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved device has been installed. (EE)
3. The overall number of residential units shall not exceed twenty-five (25) units. (P)
4. Each dwelling unit shall have a minimum gross floor area of 1,600 square feet. (P)
5. All exposed portions of the foundations of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. The following shall be recorded as a restrictive covenant in conjunction with the recordation of each subdivision plat:

Enclosed risers are required on steps to all entryways except at the rear of the house. (P)

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT Mr. Gecker.

Mr. Gecker returned to the meeting at approximately 8:11 p. m.

06SN0322:* (Amended) In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-88) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 5.0 acres of a 109 acre parcel fronting approximately 1,800 feet on the west line of Ivey Mill Road approximately 2,200 feet on the north line of Lake Chesdin Parkway and located in the northwest quadrant of the intersection of these roads. Tax ID 734-630-1881.

Mr. Burke Lewis, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 06SN0322 with those cases requiring discussion.

07SN0154:* In Bermuda Magisterial District, **EK-JOT CENTER** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 0.2 acres and is known as 11508 Maple Landing Place. Tax ID 778-655-5089.

Mr. Wilson stated he had concerns regarding Case 07SN0154; therefore, it was the consensus of the Commission to move the request to the Discussion Agenda.

◆ **CODE AMENDMENTS.**

◆ **SETBACK REQUIREMENTS IN RESIDENTIAL DISTRICTS IN ETRICK VILLAGE CORE.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-99 of the Zoning Ordinance related to front yard setbacks in the R-7 zoning district in the Ettrick Village Core. The proposed amendment would reduce minimum front yard setback requirements to equal front yard setbacks of adjacent or nearby development.

◆ ◆ ◆

Mr. Turner noted that, at the Commission's Work Session earlier in the day, there was discussion relative to deferral of the proposed Code Amendment to allow additional time to review/evaluate additional setback revisions.

No one came forward to speak in favor or, or in opposition to, deferral of the proposed Code Amendment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer the proposed Code Amendment relative to front yard setback requirements in the Residential (R-7) District in the Ettrick Village Core to the January 16, 2007, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **DESIGN STANDARDS FOR OFF-STREET PARKING.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-514 of the Zoning Ordinance related to design standards for off-street parking. The proposed amendment would allow parking areas in excess of minimum parking requirements to be unpaved subject to certain standards.

◆ ◆ ◆

Mr. Schlaudt presented an overview of the proposed Code Amendment and staff's recommendation for approval.

There was brief discussion relative to the types of materials to be used; exceptions that may or may not be permitted; and other restrictions.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-514 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-514. Design standards for off-street parking.

(a) *Size.* Each paved, off-street parking space shall be of such shape, location and design as to be effectively usable. Except for handicapped spaces, spaces shall have a minimum width of nine feet and a minimum depth of 18 feet. Gravel or unpaved overflow parking spaces, where permitted, shall be at least 200 square feet in area with a minimum width of ten feet.

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(d) *Surface treatment.*

(1) With the exception of: (i) single-family residential and farm uses; (ii) areas where track-mounted equipment is stored or displayed; (iii) property in I-2 and I-3 Districts; ~~or~~ (iv) areas for the storage of customer vehicles in motor vehicle storage/towing lots; or (v) unpaved overflow parking areas, driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Except in I-2 and I-3 Districts, surface-treated parking areas and drives shall be prohibited. Areas where track mounted equipment is stored or displayed and areas for the storage of customer vehicles in motor vehicle storage/towing lots shall have a minimum surface of six inches of No. 21 or No. 21A stone.

Except as detailed in the Environmental Engineering Department's Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas. Other curbing material of similar quality, such as brick or cobblestone, may be permitted through site or schematic plan review. Drainage shall be designed so as not to interfere with pedestrian traffic.

- (2) In I-2 and I-3 Districts, employee or visitor parking areas shall be surfaced with a minimum of a triple shot of tar and gravel. Other parking areas shall have a minimum surface of six inches of No. 21 or No. 21A stone.
- (3) In all districts, for parking areas of four spaces or less, the area shall have a minimum surface of six inches of No. 21 or No. 21A stone.
- (4) Except as detailed in the Environmental Engineering Department's Reference Manual, the perimeter of driveways and parking areas that do not utilize concrete curb and gutter shall be delineated by permanent means such as bumper blocks, railroad ties, timbers (having a minimum end dimension of six inches by eight inches) or similar such treatment. Delineation materials shall be secured with a minimum of two re-bars to the ground, pavement or other feature which is permanently attached to the ground.
- (5) Unpaved overflow parking areas shall be permitted for parking spaces provided in excess of the minimum requirements of Section 19-513, subject to the following requirements:
 - a) Parking surfaces shall be comprised of landscaped porous pavement systems, such as grassed cellular paving, grass over a structural liner, or other equivalent material.
 - b) Site plan review approval shall be required, pursuant to Sections 19-262 through 19-272.
 - c) Parking areas shall be permanently delineated, and accessed through internal permanently paved driveways or parking areas.
 - d) Parking areas shall be subject to setbacks and buffer requirements applicable to permanently paved parking areas.
 - e) Parking shall be restricted to passenger vehicles. Commercial vehicle parking shall not be permitted.

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(2) *That this ordinance become effective immediately upon adoption. (1925:73524.1)*

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **BANNERS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-638 of the Zoning Ordinance related to banners.

In addition to restructuring Section 19-638, the proposed amendment would 1) allow non-profit organizations to display banners for 120 cumulative days per calendar year; 2) allow non-profit organizations to display two (2) banners simultaneously; 3) require the applicant to execute an application form for the proposed banner(s); 4) allow businesses and organizations located outside of a "non-residential community" to display two (2) banners when the property is located on more than one (1) arterial road; and 5) allow banners displayed at different times to advertise the same event(s).

◆ ◆ ◆

Mr. Schlaudt presented an overview of the proposed Code Amendment and staff's recommendation for approval.

Mr. Joe Cacciotti, a Midlothian District resident, expressed concerns relative to the proliferation of illegal signage throughout the County, stating he hoped the Commission was aware of the problem and would consider deferral of the proposed Amendment until such time a more intense, thorough study of the problem could be performed.

Mr. Mincks arrived at the meeting at approximately 8:21 p. m.

In response to questions from the Commission, Mr. Schlaudt reviewed statistics regarding the number of approved permits and/or enforcement of violations.

Discussion ensued relative to the proposed changes to the Ordinance as they pertained to size of banners, number of banners, display time and permitted location of display.

Upon conclusion of the discussion, the Commission requested staff provide additional information at the January 16, 2007, Work Session relative to the advertisement of non-profit uses off-site.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-638 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-638. Banners.

~~Banners do not require sign permits and are allowed so long as:~~

- ~~(a) — The applicant notifies the director of planning in writing at least five business days prior to the installation of a banner of the size, area, proposed location and manner of fastening of the banner and has received approval, with a designated identification number, for the banner. The banner shall have the identification number and the approved date of removal~~

~~printed on the banner in one and a half inch numbers in the lower right corner. Any banner installed without prior notification to and approval of the director of planning shall be removed immediately upon notification by the planning department and no other banner shall be displayed for 90 days. Banners shall not be attached to trees or shrubs.~~

- ~~(b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed its permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days.~~
- ~~(c) A single banner not to exceed 50 square feet in area may be used to advertise special events, provided the banner is not used for more than 30 consecutive days. Such banners shall not be displayed more than 60 days total during a calendar year on the same property and each banner must advertise a different event. For tenants in a nonresidential community that have separate exterior customer entrances, each tenant is a separate entity for the purpose of this provision. Tenants in nonresidential communities may erect a freestanding banner in lieu of a building mounted banner so long as no more than two banners are erected for the entire community at the same time for each arterial street front. One additional freestanding banner may be erected for the sole purpose of advertising the onsite activities of nonprofit organizations. Businesses and organizations located outside of a nonresidential community may erect a freestanding banner in lieu of a building mounted banner. Such businesses and organizations may receive an additional 60 days a year of banner display for the sole purpose of advertising the onsite activities of nonprofit organizations. A nonprofit activity using a vacant site may erect one banner up to ten days prior to the advertised event which shall be removed immediately upon completion of the event.~~
- ~~(d) Banners solely advertising a business name and/or logo are prohibited.~~
- ~~(e) The permissible area of a banner may be increased for building mounted banners in accordance with the following:
 - ~~(1) One square foot for each two feet of store frontage in excess of 100 feet, provided that no banner shall exceed 150 square feet in area.~~
 - ~~(2) One square foot for each 50 feet the store is set back from the nearest public road, provided that no banner shall exceed 150 square feet in area.~~
 - ~~(3) Banners may be up to 250 square feet in area within village areas when used to advertise community events and displayed across public roads.~~~~

Banners are permitted, subject to the following provisions:

- (a) *Banner purpose.* Banners may advertise special promotions, community events or new businesses, and shall not solely advertise a business name and/or logo.
- (b) *Approval required.* The applicant shall notify the director of planning in writing at least five business days prior to the installation of any banner. Such notification shall be on an application form prescribed by the director of planning, and shall indicate the size, area,

proposed location and manner of fastening of the banner. Once the banner has been approved, a designated identification number shall be assigned to the banner. The applicant shall print this number and the required date of removal in one and half inch numbers on the lower right corner on the banner. Any banner installed without prior approval of the director of planning shall be removed immediately upon notification by the planning department, and no other banner shall be displayed on the property by the same business or organization for 90 days.

(c) *Number of banners permitted.* A maximum of one banner may be displayed at a time, subject to the following exceptions:

1. One additional banner may be displayed for the sole purpose of advertising the onsite activities of a nonprofit organization.
2. A maximum of two banners may be displayed for tenants of a non-residential community or shopping center, along each arterial road frontage. Each tenant that has a separate exterior customer entrance is a separate entity for the purpose of this provision, and may individually display a maximum of one banner at a time.
3. Businesses and organizations located outside of a non-residential community or shopping center, on properties fronting on more than one arterial road, may simultaneously display a maximum of two banners, with a maximum of one banner per arterial road frontage.

(d) *Size of banners permitted.* The maximum permitted banner size is 50 square feet. The permissible area may be increased in accordance with the following:

- (1) Building mounted banners may be increased one square foot for each two feet of store frontage in excess of 100 feet, provided that no banner shall exceed 150 square feet.
- (2) Building mounted banner banners may be increased one square foot for each foot in excess of 50 feet the store is set back from the nearest public road, provided that no banner shall exceed 150 square feet.
- (3) Banners may be up to 250 square feet in area within village areas when used to advertise community events and displayed across public roads.

(e) *Display time permitted.* Each permitted banner may be displayed a maximum of 30 consecutive days, subject to the following additional provisions:

1. Banners advertising special promotions may be displayed an individual maximum of 30 consecutive days per banner, and a cumulative maximum of 60 days during a calendar year on the same property.
2. Banners advertising community events of nonprofit organizations may be displayed an individual maximum of 30 consecutive days per banner, and a cumulative maximum of 120 days during a calendar year on the same property.

3. Banners advertising community events of nonprofit organizations held on vacant property may be displayed a maximum of ten days prior to the advertised event. Such banners shall be removed immediately upon completion of the event.

(f) Locational requirements.

1. Banners shall be located on the same property as the sponsoring business or organization. However, banners within village areas used to advertise community events may be displayed across public roads.
2. Banners may be building mounted or freestanding.
3. Banners shall not be attached to trees or shrubs.

(2) *That this ordinance become effective immediately upon adoption. (1925:73525.1)*

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 07SN0177, Oliver Pearley and Susan Smith.

07SN0177: In Matoaca Magisterial District, **OLIVER PEARLEY AND SUSAN SMITH** requested Conditional Use and amendment of zoning district map to permit a residential stock farm (keeping of horses and goats) in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 15.8 acres and is known as 11631 Plantation Trace Drive. Tax ID 724-649-7570.

Ms. Orr presented an overview of the request and staff's recommendation for approval.

Mr. Oliver Pearley, one of the applicants, accepted staff's recommendation.

Mr. Wilson opened the discussion for public comment.

Mr. Steve Hawkins, an adjacent property owner, stated he was not opposed to the keeping of horses, but was concerned about the keeping of goats and whether or not the animals would be properly secured.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Pearley responded to Mr. Hawkin's concerns, noting there would only be one (1) goat on the property; that the goat would eat grass the horses did not eat; and that all the animals would be corralled in a well-constructed fence.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 07SN0177 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Any stock farm use shall be limited to the keeping of nine (9) horses and three (3) goats. (P)
2. All facilities and areas associated with the keeping of the stock animals (stables, pastures, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
3. Facilities and areas (stables, pastures, riding rings, etc.) associated with the keeping of stock animals shall be located a minimum of fifty (50) feet from adjacent properties and public rights of way.

(NOTE: In addition to these setbacks, accessory structures such as stables and storage sheds must conform to the setback requirements of the Zoning Ordinance for accessory structures in the underlying zoning district.) (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Mr. Turner recalled Case 06SN0322, New Cingular Wireless PCS, LLC.

06SN0322:* (Amended) In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-88) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 5.0 acres of a 109 acre parcel fronting approximately 1,800 feet on the west line of Ivey Mill Road approximately 2,200 feet on the north line of Lake Chesdin Parkway and located in the northwest quadrant of the intersection of these roads. Tax ID 734-630-1881.

Mr. Clay presented an overview of the request and staff's recommendation for approval.

Mr. Burke Lewis, the applicant's representative, accepted staff's recommendation, noting the proposed communications tower would be located in Lake Chesdin Park; noted there was mature vegetation located within the area immediately surrounding the proposed tower site; that the vegetation, as well as topographical differences in the area and anticipated park improvements, would mitigate the visual impact of the tower from future area residential development; and that the proposed tower would have minimal impact on the existing residential communities.

Mr. Wilson opened the discussion for public comment.

Ms. Dawn Saunders, an adjacent property owner, opposed the request citing concerns relative to the visual and financial impacts the proposed tower would have on their property and referenced a petition signed by fifty-seven (57) area residents who objected to the proposal.

Mr. Justin Summers, an adjacent property owner, reference an in-depth analysis he had performed of the *Tower Siting Policy*, the *Public Facilities Plan* and the Zoning Ordinance, noting his findings were

inconsistent with staff's recommendation; stated he did not feel staff had sufficient information to warrant a recommendation for approval; and asked the Commission to deny the request.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Lewis stated he felt staff had applied a reasonable interpretation of the *Public Facilities Plan* and *Tower Siting Policy* to the proposal and cited other similar requests, noting the proposal was consistent with past actions supported by both the Planning Commission and Board of Supervisors.

Mr. Bass expressed appreciation for citizens' comments and the information they had sent him; however, he felt the location met the siting criteria and would not have a negative visual or financial impact on area residents' properties. He stated area citizens have expressed a desire for improved cellular communication in the area and this proposal would achieve that goal.

Mr. Gulley expressed concern that a Parks and Recreation Department representative was not present to address concerns and/or answer questions relative to the impact the proposed tower may have on Lake Chesdin Park (buffers, clearing, lighting, and other concerns).

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0322, subject to the following conditions:

CONDITIONS

1. The telecommunications tower and access road to the telecommunication tower site shall be located generally as depicted on the plan entitled Lake Chesdin Park, Sheet Number C1, last revised 9-20-06 and prepared by BC Architects Engineers. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A minimum 100-foot buffer of mature trees shall be preserved outside of and adjacent to the compound, on the north side of the compound. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)
4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure (P)

5. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

6. The tower shall not exceed a height of 199 feet. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wilson, Gecker and Bass.

ABSTENTIONS: Messrs. Gulley and Litton.

Mr. Turner recalled Case 07SN0154, EK-Jot Center.

07SN0154:* In Bermuda Magisterial District, **EK-JOT CENTER** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 0.2 acres and is known as 11508 Maple Landing Place. Tax ID 778-655-5089.

Ms. Orr presented an overview of the request and staff's recommendation for approval.

Ms. Babita Rani, the applicant, accepted staff's recommendation, including the Addendum.

Mr. Wilson opened the discussion for public comment.

Mr. and Mrs. Albert Stanley and Mr. and Mrs. Nathaniel Barrow, area residents, voiced support for the request.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from Mr. Wilson, Ms. Orr stated staff had received three (3) letters of opposition and a petition containing seven (7) signatures in support of the request, noting that one (1) letter of opposition indicated that if the Conditional Use were limited to the applicant, there would be no objection; and that the other letters of opposition expressed concerns relative to traffic impact along the cul-de-sac. It was noted that of the three (3) letters, only one (1) of those persons resided on the cul-de-sac.

Messrs. Bass and Gecker indicated that the concerns may be able to be addressed with additional conditions.

Mr. Wilson indicated he had spoken with one (1) adjacent property owner who opposed the request and had indicated that even with additional conditions he could not support the proposal. He indicated that it

was common practice not to approve these types of requests if an adjacent property owner was in opposition.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend denial of Case 07SN0154.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07SN0135: In Matoaca Magisterial District, **FIVE FORKS CORPORATION** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and mixed use corridor uses. This request lies on 22.3 acres fronting approximately 1,670 feet on the south line of Hull Street Road across from Woodlake Village Parkway. Tax ID 719-670-5788.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the *Upper Swift Creek Plan* and were not representative of, or compatible with, existing and anticipated area development.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting there were unique circumstances pertinent to this property. He distributed copies of a schematic layout of the property; submitted revised Proffered Condition 9 reflecting a 0.22 phosphorus runoff standard as opposed to the previously proffered 0.45 standard; and stated he felt the request was representative of, and compatible with, existing and anticipated area development.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 07SN0135 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses.
 - A. Those uses permitted by right or with restrictions in the Community Business (C-3) District provided that the following uses shall be restricted as follows:
 1. Cocktail lounges and nightclubs provided that they are secondary to a restaurant.
 2. Restaurant, fast food provided that it shall be limited to one.
 3. Motor Vehicle washes provided that it is in conjunction with a convenience store.
 - B. The following uses shall not be permitted
 1. Home centers.
 2. Hospitals.
 3. Indoor flea markets.

4. Repair services, excluding motor vehicle repair.
 5. Secondhand and consignment stores, excluding motor vehicle consignment lots.
 6. Taxidermies. (P)
2. Public water and wastewater shall be used. (U)
3. Prior to the issuance of the building permit for this site, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre (not to exceed \$2,230.00 based upon the total acreage in the property) as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to one (1) entrance/exit. This access shall align with the existing crossover on Route 360, generally located midway on the property frontage, and shall restrict vehicles exiting the property from traveling west on Route 360. The exact location and design of this access shall be approved by the Transportation Department. (T)
6. Prior to site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way along the south side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of an additional lane of pavement along the eastbound lanes of Route 360 for the entire property frontage, except for pavement widening across the existing bridge located towards the eastern property line. The exact length of this improvement shall be approved by the Transportation Department;
 - B. Construction of additional pavement along the westbound lanes of Route 360 at the existing crossover to provide an adequate left turn lane. The exact length of this improvement shall be approved by the Transportation Department;
 - C. Construction of additional pavement along the eastbound lanes of Route 360 at the approved access to provide a right turn lane, based on Transportation Department standards;
 - D. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

8. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7 shall be submitted to and approved by the Transportation Department. (T)
9. The 0.22 phosphorus runoff standard shall be achieved on site through BMPs or other measures. (EE)
10. Anionic PAM shall be used on all disturbed areas during construction on the site. (EE)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0311:** In Matoaca Magisterial District, **JOHN NOLDE** requested amendment to Conditional Use Planned Development (Case 03SN0214) and amendment of zoning district map relative to permitted uses and building size. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 4.1 acres fronting approximately 350 feet on the east line of Woolridge Road fronting approximately 470 feet on the south line of Watermill Parkway, also fronting approximately 180 feet on the west line of Sailboat Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 719-687-Part of 2245.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed amendments did not conform to the *Upper Swift Creek Plan*; the proposed use exceptions were not designed to provide goods and services to nearby existing and proposed residential communities as intended under the original conditions of zoning; and increasing the existing limitations on gross floor area of buildings would not ensure maximum compatibility with, and minimal impact on, area residential development.

Mr. John Nolde, the applicant's representative, did not accept staff's recommendation, citing significant transportation infrastructure improvements planned for the area and indicating the development would be a high quality, successful and beneficial endeavor for the community.

Mr. Wilson opened the discussion for public comment.

Mr. Alberto Gonzales, an adjacent property owner, opposed the request, citing concerns relative to traffic impact; empty tenant space indicating that the available area commercial space exceeded the service demand; the approval of additional commercial uses would exacerbate the vacant tenant space problem; and the potential environmental impacts of gasoline sales.

There being no one else to speak, Mr. Wilson closed the public comment.

Discussion ensued relative to the uses proposed for the property; the proposed amendments not conforming to the *Upper Swift Creek Plan* which suggested convenience nodes within planned residential neighborhoods should be generally limited to Convenience Business (C-1) uses that served the immediate area; the proposed use exceptions not being limited to goods and services primarily for nearby residential communities; increasing the existing limitations on gross floor area of buildings would not ensure compatibility with, and minimal impact on, area residential development; and other concerns.

Mr. Bass indicated he felt there was sufficient commercial space in the area to serve community needs and the proposed amendments were inappropriate.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend denial of Case 06SN0311.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07SN0161:* In Midlothian Magisterial District, **STYLECRAFT HOMES OF VIRGINIA** requested amendment to Conditional Use Planned Development (Case 94SN0138) and amendment of zoning district map to delete age restriction for occupancy. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Residential (R-9) District on 9.4 acres fronting approximately 1,200 feet on the west line of Coalfield Road, also fronting approximately 800 feet on the southwest line of Manders Drive and located in the southwest quadrant of the intersection of these roads. Tax IDs 726-701-7469, 7577, 7672, 8659, 8754, 8865, 8960, 9173, 9368, 9479, 9574, 9887 and 9982; 726-702-6940, 7035, 7146, 7342, 7453, 7548, 7919, 8125, 8215, 8332, 8420, 8438, 8528, 8700, 8733, 8745, 8841, 8908, 8950, 9103, 9116, 9146, 9257, 9322, 9353, 9363, 9411, 9559, 9618, 9630, 9668, 9764, 9837, 9876 and 9925; 727-701-0093, 0288 and 0597; and 727-702-0072, 0081, 0132, 0145, 0277, 0401, 0440, 0451, 0488, 0584, 0647, 0705, 0760, 0793, 0866, 0989, 1054, 1117, 1221, 1261, 1373, 1423, 1427, 1568, 1580, 1636, 1731, 1842, 1875, 1888, 2037, 2050, 2083, 2290, 2345, 2357, 2652, 2665, 2860, 2871, 3166, 3179, 3474, 3487, 3594, 3681 and 3989.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the request failed to address the impacts of the development on capital facilities consistent with the Board's *Policy*. Specifically, she stated the proffered condition, although addressing the development's impact on school facilities, failed to adequately address impacts on roads, parks, libraries and fire stations. She stated, consequently, staff was recommending denial of the request; however, if the impacts were addressed and there was no opposition to the removal of the age-restriction limitation, staff could support the requested amendments.

Mr. Larry Horton, the applicant's representative, did not accept staff's recommendation for denial, indicating he was agreeable to amending the proffered condition to offer some cash to address impacts on transportation facilities.

Mr. Wilson opened the discussion for public comment.

No one came forward to speak in favor of, or in opposition to, the request; however, Mr. C. L. Morrisette, a County resident, suggested that the Board of Supervisors' *Policy* be evaluated.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gecker indicated that there would be no increase in the number of units permitted and noted that the original zoning addressed in-kind improvements and land dedications; therefore, there were unique circumstances that should be considered consistent with the Board's policy regarding impacts on capital facilities.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0161 and acceptance of the following proffered condition:

PROFFERED CONDITION

For each dwelling unit in excess of the existing 11 units, the applicant, sub-divider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:

- a. \$6,005 per dwelling unit, if paid prior to July 1, 2007; or
- b. The amount approved by the Board of Supervisors not to exceed \$6,005 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, \$5,331 will be allocated to schools to address the development's impact on school facilities and \$674 will be allocated to transportation to address the development's impact on roads. Payments in excess of \$6,005 shall be prorated as set forth above.
- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B & M)

(Staff Note: With the approval of this request, Proffered Conditions 3 and 8 and Item 4 for Tract 2 of the Textual Statement for Case 94SN0138 are deleted for the request property only.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

I. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 10:15 p. m. to January 16, 2007, at 12:00 Noon in the Multipurpose Room (1st Floor) of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date